

Notice of Allowability

Application No.

09/868,497

Examiner

Juan A. Torres

Applicant(s)

KINASE ET AL.

Art Unit

2631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 12/28/2004.
2. ☒ The allowed claim(s) is/are 1-14.
3. ☒ The drawings filed on 18 June 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 01112005
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 01112005.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


MOHAMMED GHAYOUR
SUPERVISORY PATENT EXAMINER

EXAMINER AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert P. Michal on January 11, 2005 at 5:10 pm EST.

The application has been amended as follows:

- a) In the amendment received on 12/28/2004, in the amendments to the specification in page 8, line 4 the recitation "-10 dBM" is changed to "-10 dBm".
- b) In the amendment received on 12/28/2004, in the amendments to the specification in page 8, line 5 the recitation "amplifier 26" is changed to "attenuator 26".
- c) The recitation "a band signal" in line 3 of claim 1 is changed to "a base band signal".
- d) The recitation "specifying means" in line 40 of claim 1 is changed to "specifying member".
- e) The recitation "second level varying means" in line 20 of claim 5 is changed to "second level varying member".
- f) The recitation "said first level varying section" in line 4 of claim 12 is changed to "said first level varying member".
- g) The recitation "said judgment means" in line 11 of claim 13 is changed to "said judgment section".

EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: claims 1-14 are allowed because the references cited fail to teach, as applicant has, a digital modulation signal generating apparatus, comprising: a band signal generator which generates a base band signal; a carrier signal generator which generates a carrier signal; an orthogonal modulator which generates a digital modulation signal of a predetermined channel that corresponds to a frequency of the carrier signal upon receipt of the base band signal generated by the base band signal generator and a the carrier signal generated by the carrier signal generator; an amplifier which amplifies a the digital modulation signal generated by the orthogonal modulator; an output terminal which outputs the digital modulation signal amplified by the amplifier; a first level varying member provided between the base band signal generator and the orthogonal modulator, which varies a level of the base band signal, and inputs the base band signal which has had the level varied to the orthogonal modulator; a second level varying member provided between the amplifier and the output terminal which attenuates and varies a level of an output signal output from the amplifier and outputs the output signal which has had the level attenuated and varied from the output terminal; output level specifying member which specifies an output level value of a the digital modulation signal output from the output terminal; a judgment section which judges whether or not the output level value of a the digital modulation signal specified by the output level specifying member is higher than a predetermined value or a predetermined range; and

a level diagram switching section which sets the first level varying member and the second level varying member so that a the digital modulation signal output front the output terminal is a predetermined attenuation quantity value which makes desired carrier leak characteristics compatible with desired mutual modulation distortion characteristics, respectively, based on the output level value of a the digital modulation signal specified by the output level specifying member and a judgment result caused by the judgment member, as the applicant has claimed.

CONCLUSION

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Juan A. Torres whose telephone number is (571) 272-3119. The examiner can normally be reached on Monday-Friday 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad H. Ghayour can be reached on (571) 272-3021. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAT 1-11-2005

M. GJ-
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